

UNITED STATES DISTRICT COURT

for the

Southern District of Georgia
Savannah Division

2008 JUL 28 AM 10:26

United States of America

v.

Kelvin Gary Chipp

Date of Previous Judgment: August 7, 2003

(Use Date of Last Amended Judgment if Applicable)

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Case No: CR403-00003-001

USM No: 11419-021

David Adams

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 31

Criminal History Category: VI

Previous Guideline Range: 188 to 235 months

Amended Offense Level: 31

Criminal History Category: VI

Amended Guideline Range: 188 to 235 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain):

III. ADDITIONAL COMMENTS

The defendant is not eligible for a reduction based on the retroactive crack cocaine amendment because his offense level was not determined based on the drug quantity table. The defendant was convicted of a firearms offense and his base offense level was determined pursuant to U.S.S.G. §§ 2K2.1 and 4B1.4, and not U.S.S.G. § 2D1.1.

Except as provided above, all provisions of the judgment dated _____ shall remain in effect.

IT IS SO ORDERED.

Order Date: 7-28-2008

Effective Date:

(if different from order date)


Judge's signature

B. Avant Edenfield
United States District Judge
For the Southern District of Georgia
Printed name and title